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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,046	04/13/2001	Stephen B. Corn	SCW-003	5940

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EXAMINER	
SAADAT, CAMERON	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/835,046	CORN ET AL.	
	Examiner	Art Unit	
	Cameron Saadat	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-14 and 16-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-14, 16-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

In response to amendment filed 3/30/2005, claims 1, 3-14, and 16-20 are pending in this application. Claims 2 and 15 are cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-7, 14, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Cannon et al. (USPN 6,678,824; hereinafter Cannon) and Richter et al. (USPN 6,615,020; hereinafter Richter).

Regarding claims 1, 7, 14, and 20, Cannon discloses a method comprising the steps of: sending a request from a user for a page having educational content; receiving the page; displaying the content to a user; tracking and recording the time the user views the educational content to ensure said user views the content for a time greater than or equal to a minimum time period and less than or equal to a maximum time period (at least one keystroke or mouse click per minute); the user receiving credit for viewing the educational content where the time is between the maximum and the minimum time periods; the viewing of educational content by the user not including an examination based on said content (Col. 4, lines 6-17;

38-42). Cannon does not specifically disclose that the request for educational content is sent over a network and that a professional accrediting authority certifies the compliance of a user with a professional continuing education requirement.

Richter discloses a computer-based distance learning system, wherein educational content is distributed over a network (See Fig. 1); and wherein a professional accrediting authority monitors a student's presence to verify attendance and participation to certify user compliance with a professional continuing education requirement (Col. 4, lines 1-32). Although implied, Richter does not explicitly disclose the feature of ensuring that the user views the content for a time greater than or equal to a minimum time period and less than or equal to a maximum time period in order to receive credit.

In view of Richter, it would it would have been obvious to one of ordinary skill in the art to modify the educational crediting system described in Cannon, by providing the educational content over a network in order to provide educational content to users located in remote locations. In addition, it would it would have been obvious to one of ordinary skill in the art to modify the educational crediting system described in Cannon, by providing a professional accrediting authority to monitor a student's attendance and participation in order to provide an accredited diploma based on "seat time".

Furthermore, in view of Cannon, it would have been obvious to one of ordinary skill in the art to modify the attendance and participation verification system described in Richter, by requiring a user to view educational content for a time period between an upper and lower limit, in order to prevent a user from receiving unearned credit for not actively participating in a presentation of educational content (See Cannon, Col. 4, lines 11-17).

Regarding claim 3, Richter discloses a method wherein the educational content is presented in the form of a daily interrogatory and related answer (Col. 4, lines 20-25).

Regarding claim 4, Cannon discloses a method comprising the additional steps of: recording the amount of credit granted to each user; and providing the amount of credit granted to each user to said user upon request (See Fig. 2).

Regarding claim 5, Cannon discloses a method wherein said method does not award educational credit to a user of the electronic device for reviewing said educational content as a result of the recorded amount of time exceeding a maximum time parameter (Col. 7, lines 20-24).

Regarding claim 6, Cannon discloses a method comprising the additional steps of: sending a message to the user indicating an inadequate amount of time has been spent reviewing the educational content, the message generated as a result of the recorded amount of time not exceeding a minimum time parameter; receiving subsequently from said user a new recorded amount of time; and awarding educational credit to the user based on said new recorded amount of time (See Fig. 5A)

Regarding claim 16, Cannon discloses a method comprising the additional steps of: grouping selected educational units so as to form a course; registering said user for said course; and sending said educational units forming said course to said electronic device for review by said user (See Figs. 2, 4).

Claims 8-13, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Cannon et al. (USPN 6,678,824; hereinafter Cannon) and Richter et al. (USPN 6,615,020; hereinafter Richter), further in view of Lotvin et al. (USPN 5,907,831; hereinafter Lotvin).

Regarding claims 8-13, the combination of Cannon and Richter discloses all of the claimed subject matter with the exception of explicitly disclosing specifically claimed advertising units. However, Lotvin discloses an educational method, comprising the steps of (as per claim 8) providing a page having one or more educational units and one or more advertising units; associating one or more of said advertising units with one or more of said educational units such that said advertising unit is displayed in

connection with said educational unit (column 8, lines 5-12); (as per claim 9) wherein a plurality of said advertising units constitutes an advertisement (column 8, line 10); (as per claim 10) wherein said advertising units are indexed to said educational units (column 8, lines 5-12); (as per claim 11) wherein said advertising units displayed are specific to the user (column 6, line 64 – column 7, line 5); (as per claim 12) wherein said advertisement is part of a sequence of advertising, said sequence of advertising being synchronized with the sequence of educational units (column 8, lines 10-12); and (as per claim 13) forwarding said educational unit and an associated advertisement to a user-designated recipient (column 8, lines 10-12). Hence, in view of Lotvin, it would have been obvious to one of ordinary skill in the art to modify the educational units described in Cannon and Richter, by providing advertising units within the educational units in order to promote educational products to a targeted audience comprising people that are interested in educational products.

Regarding claim 17, the combination of Cannon and Richter discloses all of the claimed subject matter with the exception of explicitly disclosing the steps of providing user response to the author of said educational units after the user reviews said educational units; and altering other educational units based on said user response. However, Lotvin discloses a method comprising the additional steps of: providing user response to the author of said educational units after said user reviews said educational units; and altering other educational units based on said user response (column 8, lines 25-27; column 5, lines 29-38). Hence, in view of Lotvin, it would have been obvious to an artisan to modify the educational method described in Cannon and Richter, by allowing a user to respond to an author and altering the educational units based on user responses, in order to deal with problems and concerns of users with the educational system.

Regarding claim 19, the combination of Cannon and Richter discloses all of the claimed subject matter with the exception of explicitly disclosing the step of providing a search feature for the educational unit for searching multiple educational units. However, Lotvin discloses a method comprising the

additional step of: providing a search feature for said educational unit, said search feature searching multiple educational units on a plurality of web pages utilizing a single query (column 6, lines 30-33). Hence, in view of Lotvin, it would have been obvious to an artisan to modify the educational method described in Cannon and Richter, by providing a search feature for identifying and retrieving educational content from a database for presentation to a user.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Cannon et al. (USPN 6,678,824; hereinafter Cannon) and Richter et al. (USPN 6,615,020; hereinafter Richter), further in view of Lotvin et al. (USPN 5,907,831; hereinafter Lotvin); still further in view of Sonnenfeld (USPN 6,112,049).

Regarding claim 18, the combination of Cannon and Richter discloses all of the claimed subject matter with the exception of explicitly disclosing that the educational content comprises a crossword puzzle. However, Lotvin discloses a method comprising the additional steps of: presenting educational content to a user in the format of a crossword puzzle (column 11, lines 41-44); and using said crossword puzzle completion as a basis for awarding continuing education units to said user (column 6, lines 11-13). Neither Cannon, Richter, nor Lotvin explicitly disclose hyperlinks provided to the correct answers for the crossword puzzle. However, Sonnenfeld teaches a method wherein hyperlinks of correct answers of educational units are provided (column 9, lines 43-44). Thus, it would have been obvious to a person of ordinary skill in the art to modify the educational unit described in the combination of Cannon and Lotvin, by providing hyperlinks to correct answers, in light of the teachings of Sonnenfeld, thereby providing the user with feedback on his/her performance on the educational unit.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-14, and 16-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The.prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Walton (USPN 6,073,841) – discloses a system and method of tracking continuing education information.

- Allison (USPN 6,546,230) – discloses a method of providing continuing education credit.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cameron Saadat
June 27, 2005

XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC3700